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Dated: 2/9/06

Signature:

(Valerie J. Sarosky)

Docket No.: BIDM-P01-014
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John V. Frangioni

Application No.: 10/521066

Confirmation No.: 6848

Filed: January 11, 2005

Art Unit: N/A

For: CONJUGATED INFRARED
FLUORESCENT SUBSTANCES FOR
DETECTION OF CELL DEATH

Examiner: Not Yet Assigned

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (SIDS)

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Commissioner for Patents
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Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Supplemental Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A summary/abstract translation of non-English language references BB and BC are enclosed.

Copies of two International Search Reports are enclosed.

Applicant submits herewith copies of foreign and non-patent references in accordance with 37 CFR 1.98(a)(2).

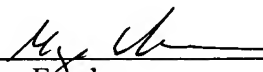
In accordance with 37 CFR 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Supplemental Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

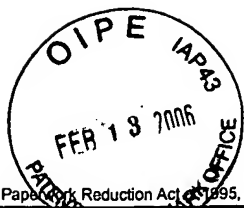
It is submitted that the Supplemental Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. BIDM-P01-014.

Dated: February 9, 2006

Respectfully submitted,

By 
Maya Escobar
Registration No.: 56,346
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant



PTO/SB/08a/b (07-05)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete If Known			
		Application Number	10/521066		
		Filing Date	January 11, 2005		
		First Named Inventor	John V. Frangioni		
		Art Unit	N/A		
		Examiner Name	Not Yet Assigned		
Sheet	1	of	1	Attorney Docket Number	BIDM-P01-014

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BB	WO-00/35490-A2	06-22-2000	Busch, et al.		
	BC	JP-55 007245 A	01-19-1980	Dai Ichi Seiyaku Co. Ltd.		
	BD	WO-96/17628	06-13-1996	Institut Fur Diagnostikforschung GmbH an Der Freien Universitat Berlin		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Gandorfer et al., "Retinal Damage from Indocyanine Green in Experimental Macular Surgery," <i>Investigative Ophthalmology & Visual Science</i> , 44(1):316-323 (2003).	
	CB	Parungo et al., "In Vivo Optical Imaging of Pleural Space Drainage to Lymph Nodes of Prognostic Significance," <i>Annals of Surgical Oncology</i> , 11(12):1085-1092 (2004).	
	CC	Zaheer et al., "IRDye 78 Conjugates for Near-Infrared Fluorescence Imaging," <i>Molecular Imaging</i> , 1(4):354-364 (2002).	

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Examiner Signature		Date Considered	
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Application No. (if known): 10/521066

Attorney Docket No.: BIDM-P01-014

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Form PTO/SB/08a/b with Certificate of Mailing (2 pages)
Copies of References (6) (BB-BD; CA-CC)
Copy of Partial International Search Report (3 pages)
Copy of International Search Report (3 pages)
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1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00/35490 A (BUSCH, CHRISTER) 22 June 2000 (2000-06-22) claims 1,4,7,10	1,5,7,17
Y	PATENT ABSTRACTS OF JAPAN vol. 004, no. 034 (C-003), 22 March 1980 (1980-03-22) & JP 55 007245 A (DAI ICHI SEIYAKU CO LTD), 19 January 1980 (1980-01-19) abstract	1,4-17
Y	WO 96/17628 A (INSTITUT FUER DIAGNOSTIKFORSCHUNG GMBH AN DER FREIE; LICH, KAI; RIEFK) 13 June 1996 (1996-06-13) page 9; claim 7	1,4-17
Y	ZAHEER A ET AL: "IRDYE78 CONJUGATES FOR NEAR-INFRARED FLUORESCENCE IMAGING" MOLECULAR IMAGING, MIT PRESS,, US, vol. 1, no. 4, October 2002 (2002-10), pages 354-364, XP008029547 ISSN: 1535-3508 page 364; figure 3 abstract	1,4-17
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☒ Further documents are listed in the continuation of box C.

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- *A* document defining the general state of the art which is not considered to be of particular relevance
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- * & * document member of the same patent family

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	GANDORFER A ET AL: "Retinal damage from indocyanine green in experimental macular surgery" INVESTIGATIVE OPHTHALMOLOGY & VISUAL SCIENCE, ASSOCIATION FOR RESEARCH IN VISION AND, US, vol. 44, no. 1, January 2003 (2003-01), pages 316-323, XP002989964 ISSN: 0146-0404 abstract	1,4-17
P,X	PARUNGO C. P. ET AL: "In vivo optical imaging of pleural space drainage to lymph nodes of prognostic significance" ANNALS OF SURGICAL ONCOLOGY, vol. 11, no. 12, 2004, pages 1085-1092, XP008053242 abstract; figure 1 page 1091 - page 1092	1,4-7, 10-14, 16,17

Patent Family Annex
Information on patent family members

International Application No
PCT/US2004/038682

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0035490	A	22-06-2000	AU 2282400 A	03-07-2000
JP 55007245	A	19-01-1980	JP 1434195 C	07-04-1988
			JP 62042892 B	10-09-1987
WO 9617628	A	13-06-1996	AT 285254 T	15-01-2005
			AT 238071 T	15-05-2003
			AU 709152 B2	19-08-1999
			AU 3740995 A	26-06-1996
			CA 2205906 A1	13-06-1996
			CN 1174511 A	25-02-1998
			DE 4445065 A1	13-06-1996
			DK 796111 T3	11-08-2003
			EP 0796111 A1	24-09-1997
			ES 2236131 T3	16-07-2005
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			JP 10510250 T	06-10-1998
			JP 2002012782 A	15-01-2002
			NO 972509 A	02-06-1997
			NZ 294568 A	30-08-1999
			PT 1181940 T	29-04-2005
			PT 796111 T	30-09-2003
			US 6258340 B1	10-07-2001
			US 6083485 A	04-07-2000
			ZA 9509707 A	29-05-1996

A. CLASSIFICATION OF SUBJECT MATTER
A61K49/00 A61K47/48

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data, BIOSIS, CHEM ABS Data, EMBASE

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Date of the actual completion of the international search

3 October 2005

Date of mailing of the international search report

- 9. 01. 2006

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
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Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0035490	A	22-06-2000	AU 2282400 A	03-07-2000
JP 55007245	A	19-01-1980	JP 1434195 C	07-04-1988
			JP 62042892 B	10-09-1987
WO 9617628	A	13-06-1996	AT 285254 T	15-01-2005
			AT 238071 T	15-05-2003
			AU 709152 B2	19-08-1999
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			ES 2198446 T3	01-02-2004
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			JP 10510250 T	06-10-1998
			JP 2002012782 A	15-01-2002
			JP 2005232190 A	02-09-2005
			NO 972509 A	02-06-1997
			NZ 294568 A	30-08-1999
			PT 1181940 T	29-04-2005
			PT 796111 T	30-09-2003
			US 6258340 B1	10-07-2001
			US 6083485 A	04-07-2000
			ZA 9509707 A	29-05-1996